

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER FRICK,

Defendant.

No. 2:21-cr-00110-RAJ

DISCOVERY PROTECTIVE  
ORDER

This matter, having come to the Court's attention on the parties' joint motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Materials" shall include (1) Grand Jury testimony; (2) witness statements; (3) tax information; (4) financial information; (5) subscriber information (including phone and utility subscriber information for third parties); and (6) other personal identifying information ("PII")<sup>1</sup>

<sup>1</sup> "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identification information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers, locations of residences or employment, medical records, school records, juvenile criminal records, and other confidential information. The government has endeavored to redact PII as appropriate, but the parties acknowledge and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to the defense.

1 obtained during the investigation, either via Grand Jury subpoena and/or during the  
2 execution of search warrants, including but not limited to personal information about  
3 defendant and third parties (such as photographs, including sexually suggestive  
4 photographs of family members, defendant, and/or witnesses) and other sensitive  
5 information obtained from the search of social media, cellular telephones, and other  
6 digital devices seized during the investigation (collectively, the “Protected Material”). All  
7 financial records (including phone, utility, and financial information for third parties),  
8 federal tax records, cellular telephone downloads, Grand Jury transcripts, and summaries  
9 of financial records provided during discovery will be considered Protected Material  
10 without further designation by the Government.

11 2. Other information believed by the Government to be Protected Material  
12 will be so designated by the Government. Said material may include, but is not limited  
13 to, information related to witnesses and third parties, criminal history reports, and related  
14 *Giglio* impeachment materials.

15 3. **Production of Protected Material to the Defense.** The United States will  
16 make available copies of the Protected Materials, including those filed under seal, to  
17 defense counsel to comply with the government’s discovery obligations. Possession of  
18 copies of the Protected Materials is limited to the attorneys of record, and investigators,  
19 paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter  
20 collectively referred to as “members of the defense team”). The attorneys of record are  
21 required, prior to disseminating any copies of the Protected or Sensitive Materials to  
22 members of the defense team, to provide a copy of this Protective Order to members of  
23 the defense team, and obtain written consent by members of the defense team of their  
24 acknowledgment to be bound by the terms and conditions of this Protective Order. The  
25 written consent need not be disclosed or produced to the United States unless reasonably  
26 requested by the Assistant United States Attorney and ordered by the Court.

27 4. **Review of Protected Material by Defendant.** The attorneys of record and  
28 members of the defense team may share and review the Protected Material with the

1 Defendant. If the Defendant is residing at the Federal Detention Center (FDC), he will be  
2 permitted to review the Protected Material, consistent with the regulations established by  
3 the BOP, with or without counsel in a controlled environment at the Federal Detention  
4 Center (FDC), but will be prohibited from printing out, copying, or disseminating the  
5 discovery. If the Defendant continues on pretrial release, he will be permitted to review  
6 the Protected Material at the offices of his counsel, but will be prohibited from printing  
7 out, copying, or disseminating the discovery.

8       **5. Limits on Dissemination of Protected Materials.** The attorneys of record  
9 and members of the defense team acknowledge that providing copies of the Protected  
10 Material to the Defendant and other persons is prohibited, and agree not to duplicate or  
11 provide copies of the Protected Material to the Defendant and other persons. This order  
12 does not limit employees of the United States Attorney's Office for the Western District  
13 of Washington from disclosing the Protected Material to members of the United States  
14 Attorney's Office, federal law enforcement agencies, witnesses, and the Court and  
15 defense as necessary to comply with the government's discovery obligations.

16       **6. Future Production of Additional Protected Materials.** Additional types  
17 of discovery items may be deemed by the parties to constitute Protected Material upon  
18 agreement, or (if no agreement can be reached) by further order of the Court.

19       **7. No Waiver.** Nothing in this order should be construed as imposing any  
20 substantive discovery obligations on the government that are different from those  
21 imposed by law. The failure to designate any materials as provided in paragraph 2 shall  
22 not constitute a waiver of a party's assertion that the materials are covered by this  
23 Protective Order.

24       **8. Use of Protected Material in Court.** Any Protected or Sensitive Material  
25 that is filed with the Court in connection with pre-trial motions, trial, or other matter  
26 before this Court, shall be filed under seal and shall remain sealed until otherwise ordered  
27 by this Court. This does not entitle either party to seal their filings as a matter of course.  
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1 The parties are required to comply in all respects with the relevant local and federal rules  
2 of criminal procedure pertaining to the sealing of court documents.

3 9. **Non-Termination.** The provisions of this Order shall not terminate at the  
4 conclusion of this prosecution. Furthermore, at the close of this case, defense counsel  
5 shall return the Protected Material, including all copies of the Protected Material, to the  
6 office of the United States Attorney, or otherwise certify that the material has been  
7 destroyed.

8 10. **Violation of Order.** Any person who willfully violates this order may be  
9 held in contempt of court and may be subject to monetary or other sanctions as deemed  
10 appropriate by this Court.

11 11. **Modification of Order.** Nothing in this Stipulation shall prevent any party  
12 from seeking modification of this Protective Order or from objecting to discovery that it  
13 believes to be otherwise improper. The parties agree that in the event that compliance  
14 with this Order makes it difficult for defense counsel to adhere to their Sixth Amendment  
15 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel  
16 shall bring any concerns about the terms of the Order to the attention of the government.  
17 The parties shall then meet and confer with the intention of finding a mutually acceptable  
18 solution. In the event that the parties cannot reach such a solution, defense counsel shall  
19 have the right to bring any concerns about the scope or terms of the Order to the attention  
20 of the Court by way of a motion.

21 12. **Agreement to Provide Copies of Protected Material to Defendant.** Upon  
22 agreement of counsel for the Government, members of the defense team may provide  
23 copies of specific Protected Material, or redacted versions of such material, to the  
24 Defendant. When seeking the Government's agreement to give such a copy to the  
25 Defendant, members of the defense team will identify with reasonable particularity,  
26 including (where available) the specific bates numbered pages and/or recording  
27 descriptions, the specific material defense counsel proposes to give to the Defendant.  
28 Unless expressly stated otherwise by the Government, copies of Protected Material to be

1 provided to the Defendant will continue to be Protected Material subject to all of the  
2 protections of the Court's Order, with the sole exception that a copy can be given only to  
3 the Defendant (and not shared with anyone else outside the defense team). If counsel for  
4 the Government and counsel for the Defendant cannot reach agreement on whether  
5 particular portions of the Protected Material or redacted versions of Protected  
6 Material should be given to the Defendant under these conditions, defense counsel may  
7 raise the issue with the Court by way of a motion.

8       13.   **No Ruling on Discoverability or Admissibility.** This Protective Order  
9 does not constitute a ruling on the question of whether any particular material is properly  
10 discoverable or admissible and does not constitute any ruling on any potential objection  
11 to the discoverability of any material.

12       14.   **No Ruling on Timing of Production.** This Protective Order does not  
13 require the Government to provide particular discovery at a time or in a fashion  
14 inconsistent with applicable law.

15       The Clerk of the Court is directed to provide a filed copy of this Protective Order  
16 to the Coordinating Discovery Attorney and all counsel of record.

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18       DATED this 8th day of February, 2023.

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21       The Honorable Richard A. Jones  
22       United States District Judge  
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